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**TO:**Examiner Manuel Mendez  
U.S. Patent Office, Art Unit 3763**FAX NUMBER:**

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Diane K. Wong, Reg. No. 54,550

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**M E S S A G E**Re: **Wahr et al.**  
**U.S. Application Serial No. 09/845,162**

Attorney Docket No. 891,144-005

Document(s) attached:

- Transmittal Form 1 page
- Petition under 37 C.F.R. §1.313(C)(2) for Withdrawal from Issue 21 pages

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Patent US 207  
Attorney Docket: 891,144-005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

**WAHR et al.**

**Serial No.: 09/845,162**

Filed: May 1, 2001

For: EMBOLI PROTECTION DEVICES  
AND RELATED METHODS OF USE

Group Art Unit: 3763

Examiner: MENDEZ, MANUEL A.

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**OFFICE OF PETITIONS**

**PETITION UNDER 37 C.F.R. §1.313(C)(2) FOR WITHDRAWAL FROM ISSUE**

**SENT VIA FACSIMILE (571) 273-0025**

Mail Stop 313(c)  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby petition to withdraw the above-referenced application from issue as provided by paragraph 37 C.F.R. § 1.313(c)(2). Applicant has submitted the Request for Continued Examination ("RCE"), accompanied by an Information Disclosure Statement, on May 23, 2006. A copy of said RCE and enclosures is attached herewith as Exhibit A.

The issue and publication fees (\$1,000) were paid on October 20, 2005. A copy of the signed

Fee Transmittal is attached herewith as Exhibit B. Applicants further request that the previously

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**CERTIFICATE OF MAILING (37 C.F.R. §1.8)**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being transmitted by facsimile to (571) 273-0025 on the date shown below and addressed to the Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450.

May 23, 2006  
Date of Deposit  
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*Cynthia Pacheco*  
Cynthia Pacheco

Patent US 207  
Attorney Docket: 891,144-005

submitted fees be applied toward payment of issue and publications fees in the amount identified on a future Notice of Allowance and Fee(s) Due.

The Commissioner is hereby authorized to charge the petition fee (\$130.00) and any additional fees that may be required to Deposit Account No. 50-2862.

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: May 23, 2006

By: Diane K. Wong  
Diane K. Wong  
Reg. No. 54,550  
Attorneys for Applicants

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# EXHIBIT A